

Please type a plus sign (+) inside this box →

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing       Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)  
OR

Attorney Docket Number	MBX 027
First Named Inventor	Frank A. Skraly
<b><i>COMPLETE IF KNOWN</i></b>	
Application Number	09 / 316,565
Filing Date	May 21, 1999
Group Art Unit	7
Examiner Name	

**As a below named Inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint Inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## POLYHYDROXYALKANOATE BIOPOLYMER COMPOSITIONS

the specification of which

*(Title of the Invention)*

Is attached hereto

OR

was filed on (MM/DD/YYYY) **May 21, 1999** as United States Application Number or PCT International

Application Number 09/316,565 and was amended on (MM/DD/YYYY) \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/086,396	05/22/98	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

MBX 027

20061/39

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (If applicable)

Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number \_\_\_\_\_

Place Customer Number Bar Code Label here

OR

Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number
Patrea L. Pabst	31,284		
Robert A. Hodges	41,074		
Kevin W. King	42,737		

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to:  Customer Number \_\_\_\_\_ OR  Correspondence address below

Name	Patrea L. Pabst				
Address	Arnall Golden & Gregory, LLP				
Address	2800 One Atlantic Center, 1201 West Peachtree Street				
City	Atlanta	State	GA	ZIP	30309-3450
Country	United States	Telephone	(404)873-8794	Fax	(404)873-8795

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor
---------------------------------	---

Given Name (first and middle if any)	Family Name or Surname
--------------------------------------	------------------------

Frank A.	Skraly
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Inventor's Signature					Date	6/4/99
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Residence: City	Boston	State	MA	Country	US	Citizenship	US
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Post Office Address	39 Bay State Road, Apt. 5						
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Post Office Address							
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City	Boston	State	MA	ZIP	02215	Country	US
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Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Please type a plus sign (+) inside this box → +

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**DECLARATION****ADDITIONAL INVENTOR(S)****Supplemental Sheet**

Page 1 of 1

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])		Family Name or Surname				
Oliver P.		Peoples				
Inventor's Signature	<i>Oliver P. Buff</i>					Date
Residence: City	Arlington	State	MA	Country	US	Citizenship
Post Office Address	27 Radcliffe Road					
Post Office Address						
City	Arlington	State	MA	ZIP	02174	Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])		Family Name or Surname				
Inventor's Signature						Date
Residence: City		State		Country		Citizenship
Post Office Address						
Post Office Address						
City		State		ZIP		Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])		Family Name or Surname				
Inventor's Signature						Date
Residence: City		State		Country		Citizenship
Post Office Address						
Post Office Address						
City		State		ZIP		Country

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SEPTEMBER 24, 1999

PTAS

ARNALL GOLDEN & GREGORY, LLP  
PATREA L. PABST, ESQ.  
2800 ONE ATLANTIC CENTER  
1201 WEST PEACHTREE STREET  
ATLANTA, GA 30309-3450



\*101102169A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/26/1999

REEL/FRAME: 010112/0950  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SKRALY, FRANK A.

DOC DATE: 06/04/1999

ASSIGNOR:

PEOPLES, OLIVER P.

DOC DATE: 06/04/1999

ASSIGNEE:

METABOLIX, INC.  
303 THIRD STREET  
CAMBRIDGE, MASSACHUSETTS 02142-1196

SERIAL NUMBER: 09316565

FILING DATE: 05/21/1999  
ISSUE DATE:

PATENT NUMBER:

RECEIVED

OCT 04 1999

PATENT DEPT.

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

SEARCHED FOR MAXOM

JSH

10-7-99



**Correspondent Name and Address**

Area Code and Telephone Number **(404) 873-8794**

Name **Patrea L. Pabst, Esq.**

Address (line 1) **Arnall Golden & Gregory, LLP**

Address (line 2) **2800 One Atlantic Center**

Address (line 3) **1201 West Peachtree Street**

Address (line 4) **Atlanta, GA 30309-3450**

**Pages** Enter the total number of pages of the attached conveyance document including any attachments. # **3**

**Application Number(s) or Patent Number(s)**

Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

**Patent Application Number(s)**

**Patent Number(s)**

09316565						

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month **Day** **Year**

**Patent Cooperation Treaty (PCT)**

Enter PCT application number

PCT  PCT  PCT

only if a U.S. Application Number

PCT  PCT  PCT

has not been assigned.

**Number of Properties**

Enter the total number of properties involved. # **1**

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ **40.00**

**Method of Payment:**

Deposit Account

Enclosed  Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

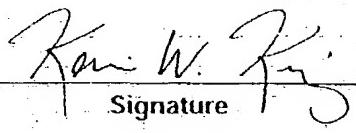
Deposit Account Number: # **01-2507**

Authorization to charge additional fees: Yes  No

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Kevin W. King



Name of Person Signing

Reg. No.: 42,737

Signature

Date

**21 July 1999**

## ASSIGNMENT

We, Frank A. Skraly of 39 Bay State Road, Apt. 5, Boston, Massachusetts 02215, and Oliver P. Peoples of 27 Radcliffe Road, Arlington, Massachusetts 02174, in consideration of ten dollars and other valuable consideration paid to us by Metabolix, Inc., a corporation of the Commonwealth of Massachusetts, having its principal place of business at 303 Third Street, Cambridge, Massachusetts 02142-1196, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Metabolix, Inc., its successors and assigns, the entire interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Polyhydroxyalkanoate Biopolymer Compositions*" described in U.S. Serial No. 09/316,565 filed in the United States Patent and Trademark Office on May 21, 1999, by Frank A. Skraly and Oliver P. Peoples, which claims priority to U.S. Provisional Application Serial No. 60/086,396 filed in the United States Patent and Trademark Office on May 22, 1998, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said corporation and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation, and to vest and confirm in said corporation, its successors and assigns, the legal title to all such patents.

Title: "Polyhydroxyalkanoate Biopolymer Compositions"

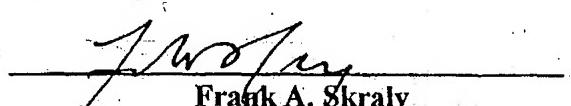
By: Frank A. Skraly and Oliver P. Peoples

Filed: May 21, 1999

ASSIGNMENT

And we do hereby authorize and request the Commissioner of Patents and  
Trademarks of the United States to issue such Letters Patent as shall be granted upon said  
application or applications based thereon to said corporation, its successors and assigns.

WITNESS my hand and seal this 4<sup>th</sup> day of JUNE, 1999.



Frank A. Skraly

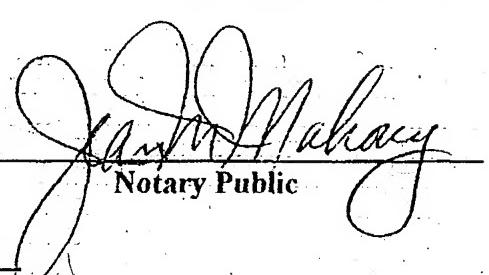
Commonwealth of Massachusetts )

County of Middlesex)

Then personally appeared the above named Frank A. Skraly and acknowledged  
the foregoing instrument to be his free act and deed, before me this 4<sup>th</sup> day of

June, 1999.

JAN M. MAHONEY  
Notary Public  
Commission Expires July 8, 2005



Jan M. Mahoney

My Commission expires:

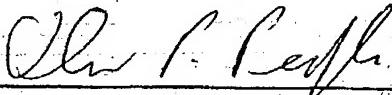
Type: "Polyhydroxyalkanoate Biopolymer Compositions"

By: Frank A. Skraly and Oliver P. Peoples

Filed: May 21, 1999

ASSIGNMENT

WITNESS my hand and seal this 4<sup>th</sup> day of JUNE, 1999.

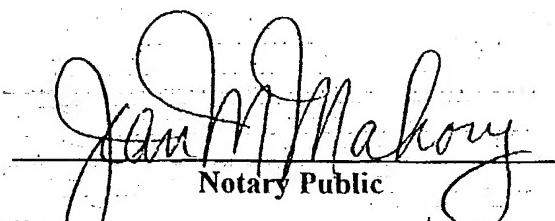


Oliver P. Peoples

Commonwealth of Massachusetts )

County of Middlesex)

Then personally appeared the above named Oliver P. Peoples and acknowledged  
the foregoing instrument to be his free act and deed, before me this 4 day of  
June, 1999.



Notary Public

JEAN M. MAHONEY

Notary Public

My Commission Expires July 8, 2005

My Commission expires:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Frank A. Skraly and Oliver M. Peoples

Serial No: 09/488,348 Art Unit: 1651

Filed: January 20, 2000 Examiner: S. Coe

For: **POLYHYDROXYALKANOATE BIOPOLYMER COMPOSITIONS**

Assistant Commissioner  
for Parents  
Washington, D. C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
AND REVOCATION OF PRIOR POWERS**

Sir:

As owner of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked and the following attorneys and agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Patricia L. Pabst	Registration No. 31,284
Zhaoyang Li	Registration No. 46,872
Rivka Monheit	Registration No. P-48,731

Please send all correspondence relating to the above-identified patent application to:

Patricia L. Pabst  
**HOLLAND & KNIGHT LLP**  
One Atlantic Center  
1201 West Peachtree Street, Suite 2000  
Atlanta, Georgia 30309-3400

(404) 817-8473 - Telephone  
(404) 817-8588 - Telefax

U.S.S.N. 09/485,349  
Filed: January 20, 2000  
Power of Attorney by Assignee of  
Interest and Revocation of Prior Powers

The undersigned signatory (whose title is supplied below) is empowered to act on behalf of the assignee identified below, and has reviewed all the documents in the chain of title of the patent application and, to the best of undersigned's knowledge and belief, title is in the assignee.

Metabolix, Inc.

By: Oliver R. Peeler  
Name: OLIVER R. PEELER  
Title: VP R & D

Date: JUNE 5, 2001

ATL1#397692 v1

**STATEMENT UNDER 37 CFR 3.73(b)****Applicant/Patent Owner:** Frank A. Skraty and Oliver M. Peoples**Application No./Patent No.:** 09/488,348      **Filed/Issue Date:** January 20, 2000**Entitled:** POLYHYDROXYALKANOATE BIOPOLYMER COMPOSITIONS**Metabolix, Inc.**      **b Corporation**

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

In the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 018112, Frame 0850, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8.]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

---

Date

---

Signature

---

Typed or printed name

---

Title

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